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FILED  
JUN 2 2015  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

## SAN JOSE DIVISION

**REQUEST FOR JUDICIAL  
NOTICE OF FEDERAL TORT  
COMPLAINT ACT LAWSUIT  
FILING OF FEATHERS V.  
UNITED STATES; *CV15-02194-  
PSG***

**Judge: Hon. Edward J. Davila**

**TENTATIVE HEARING:**

**DATE: SEPTEMBER 10, 2015  
TIME: 9:00 A.M.  
AT: COURTOOM 4, 5<sup>TH</sup> FLOOR**

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2 Under local rule 7-9 defendant is requesting leave of the court to submit a MOTION to  
 3 modify the preliminary injunction (Docket 34).

4 For good cause, defendant Mark Feathers has filed a Complaint against the United States  
 5 under the Federal Tort Claim Act due to acts of professional negligence by accountants of the  
 6 Enforcement Division of the United States Securities and Exchange Commission; see Exhibit "A".

7 Accompanying this request for leave is Feathers' Points of Memorandum and  
 8 Understanding which outlines a basis for his request to modify the Court's Preliminary Injunction  
 9 (Docket 34), and an Order for such. This leave request is respectfully presented to the Court based  
 10 upon a *prima facie* showing by Feathers in his Complaint of professional negligence of accountants  
 11 of the Enforcement Division of the United States Securities and Exchange Commission, in these  
 12 accountant's substantial departure in their sealed *ex parte prima facie* Complaint from Generally  
 13 Accepted Accounting Principles ("GAAP") and Generally Accepted Audit Standards ("GAAS")  
 14 when describing financial operations of the defendants. The substantial departure of SEC  
 15 accountants from GAAP and GAAS, and which led to scores of objectively false and grossly  
 16 misleading financial illustrations by SEC as to the defendant's investment funds distributions is  
 17 beyond conjecture. SEC has admitted to the act engaged in by their CPA's, which, *prima facie*,  
 18 appear to meet legal requirements of professional negligence. These acts have brought great harm  
 19 to defendants.

20 As further outlined in the attached points of Memorandum and Understanding, it will be to  
 21 the benefit of the Receivership Estate that a portion of their assets and their income are used to  
 22 engage qualified counsel and expert witnesses to prosecute their Federal Tort Claim filing against  
 23 the United States.

24

25 Respectfully submitted,



26  
 27 Dated: June 2, 2015  
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Mark Feathers, *Pro Se* Defendant